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10/075,032	02/12/2002	Roger R. Brinkley	7784-000338	6309

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/075,032	Applicant(s) BRINKLEY ET AL.	
	Examiner Shaima Q. Aminzay	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after Allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 13, 2005 has been entered.

Response to Argument

1. Applicant's arguments filed September 13, 2005 have been fully considered.

Arguments with respect to claims 1-12, and 14-20 are moot in view new of the new ground(s) of rejection.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the amended claims and the added new claims are directed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 14-20, and 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, lines 3, 4, 7; in claim 2, lines 1-2; in claim 11, lines 3, 4, 7; in claim 12, lines 2, 4; in claim 20, line 3; in claim 22, lines 1-2; in claim 23, line 1; in claim 24, lines 1, and 3, the phrase "mobile platform" is not supported in the specification. The specification does not specify or even mentions any "mobile platform". Claims 3-10, and 14-19, which depend from independent claims 1 and 11 are rejected under the same reasons set forth in claims 1 and 11.

Claims 2-3, and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that is not described in the specification in such a way as to

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 2, lines 1-2, and in claim 12, lines 1-2, the phrase "mobile platform is and aircraft" is not supported in the specification. The specification does not specify or even mentions that the "mobile platform is and aircraft". Claim 3, which depend from dependent claim 2 is rejected under the same reasons set forth in claim 2.

Claims 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 21, lines 2-4, and in claim 22, lines 1, the phrase "structure" is not supported in the specification. The specification does not specify or even mentions that the "structure". Claim 23, which depend from dependent claim 22 is rejected under the same reasons set forth in claim 22.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-23 are rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "mobile platform" in lines 1-2. There is insufficient antecedent basis in the claim. The independent claim 21, which claim 22 depends from, does not support the "mobile platform" limitation.

Claim 23, which depend from dependent claim 22 is rejected under the same reasons set forth in claim 22.

Claim Rejections - 35 USC § 102

The following is a quotation of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall entitled to a patent unless –
(f) he did not himself invent the subject matter sought to be patented.

5. Claims 1-12, and 14-24 are rejected under 35 U.S.C. 102(f) as because the applicant did not invent the claimed subject matter.

Regarding claims 1-12, and 14-24, after review of provisional application 60/268,085 along with US application 10/042,374 (now US Patent 6,671,589) and the present application 10/075,032 (amended September 13, 2005), it is respectfully believed the currently claimed invention has been derived from the above cited application and now patent. Note that the provisional application

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relates to the wireless (mobile) upload and download of data to and from a ground station and further that automated electronic switching is present, routing data to the appropriate unit located on the aircraft (see provisional 60/268,085 "Abstract" and "Summary of Invention" sections, which corresponds to US Patent 6,671,589's "Abstract" and "Summary of Invention" sections). This matter relates directly to claimed matter seen independent claims 1, 11, 20, 21 and 24.

Note further the invention entity from the current application (10/075,032) and those of the cases listed above (provisional 60/268,085 and US Patent 6,671,589) are uncommon, aside from one inventor. Further noted that the present application (10/075,032) is being made on behalf of this one common inventor who in this instant application is a non-signing inventor (as per the granted CFR 1.47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (Murray et al. U. S. Patent 6,385,513) in view of Wright (Wright et al. U.

S. Publication 2003/0148,736).

Regarding claim 1, Murray discloses a method for remotely downloading data to a selected one of a plurality of electronic line replaceable units (LRUs) on a mobile [platform] (see for example, *Figures 4-6, column 1, lines 1-6, column 4, lines 33-67, column 7, lines 22-63, column 8, lines 50-56, wireless system and data downloading to one for the plurality of LRUs*), said method comprising: transmitting a message wirelessly to a receiver on the mobile [platform] identifying an LRU to which data is to be downloaded (see for example, *Figures 4-6, column 7, lines 22-63, column 8, lines 15-67, the transmitted message received on the aircraft and to data load LRU*); remotely operating a software-controlled switch to electronically configure a communication path between the identified LRU and a mobile [platform] data services link in response to said message identifying the LRU (see for example, *column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and LRU service link*); and wirelessly downloading data from the receiver to the identified LRU utilizing the remotely electronically configured communication path (see for example, *column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, identify LRU and downloading data*).

Murray does not specifically teach wireless platform, however, Murray teach

the aircraft and remotely electronically configuration (*see for example, column 7, lines 22-63*).

In related art dealing with a wireless communications and aircrafts (*see for example, Figure 1-8, paragraph [0001], lines 1-12*), Wright teaches the mobile platform (*see for example, paragraph [0084], lines 11-22*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Wright's mobile platform concept into Murray's wireless downloading to provide a system "without having to physically access a redundant unit on board the aircraft is successfully addressed by means of a wireless ground data link (*Wright, paragraph [0007], lines 2-5*).

Regarding claim 11, Murray discloses an apparatus for remotely downloading data to a selected one of a plurality of electronic line replaceable units (LRUs) on a mobile [platform] (*see for example, Figures 4-6, column 1, lines 1-6, column 4, lines 33-67, column 7, lines 22-63, column 8, lines 50-56, wireless system and data downloading to one for the plurality of LRUs*), said apparatus configured to: receive a message wirelessly transmitted to the mobile [platform] identifying an LRU to which data is to be downloaded (*see for example, Figures 4-6, column 7, lines 22-63, column 8, lines 15-67, the transmitted message received on the aircraft and to data load LRU*); remotely operate an electronic switch to electronically configure a communication path between the identified LRU and a mobile [platform] data services link in

response to the wirelessly transmitted message identifying the LRU (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and LRU service link*); and wirelessly download data to the identified LRU utilizing the remotely electronically configured communication path (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, identify LRU and downloading data*).

Murray does not specifically teach wireless platform, however, Murray teach the aircraft and remotely electronically configuration (*see for example, column 7, lines 22-63*).

In related art dealing with a wireless communications and aircrafts (*see for example, Figure 1-8, paragraph [0001], lines 1-12*), Wright teaches the mobile platform (*see for example, paragraph [0084], lines 11-22*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Wright's mobile platform concept into Murray's wireless downloading to provide a system "without having to physically access a redundant unit on board the aircraft is successfully addressed by means of a wireless ground data link (*Wright, paragraph [0007], lines 2-5*).

Regarding claim 20, Murray discloses an apparatus for downloading data to a selected one of a plurality of electronic line replaceable units (LRUs)

onboard a mobile [platform] (see for example, Figures 4-6, column 1, lines 1-6, column 4, lines 33-67, column 7, lines 22-63, column 8, lines 50-56, wireless system and data downloading to one for the plurality of LRUs),, said apparatus comprising: a wireless radio transceiver configured to receive a message identifying at least one of said LRUs to which data is to be downloaded (see for example, Figures 4-6, column 7, lines 22-63, column 8, lines 15-67, the transmitted message received on the aircraft and to data load LRU); a communication management unit server responsive to said message received at said wireless radio transceiver identifying the selected LRU (see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and LRU service link); and a remotely controllable software-controlled electronic switch responsive to said communication management unit server to electronically configure a data path between said wireless radio transceiver and the selected LRU for downloading of data from the wireless radio transceiver to the selected LRU (see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and LRU service link).

Murray does not specifically teach wireless platform, however, Murray teach the aircraft and remotely electronically configuration (see for example, column 7, lines 22-63).

In related art dealing with a wireless communications and aircrafts (*see for example, Figure 1-8, paragraph [0001], lines 1-12*), Wright teaches the mobile platform (*see for example, paragraph [0084], lines 11-22*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Wright's mobile platform concept into Murray's wireless downloading to provide a system "without having to physically access a redundant unit on board the aircraft is successfully addressed by means of a wireless ground data link (*Wright, paragraph [0007], lines 2-5*).

Regarding claim 21, Murray discloses a method for remotely downloading information to a selected one of a plurality of electronic units located on a [structure] (*see for example, Figures 4-6, column 1, lines 1-6, column 4, lines 33-67, column 7, lines 22-63, column 8, lines 50-56, wireless system and data downloading to one for the plurality of units*), comprising:

transmitting a message wirelessly to said [structure] from a location remote from said [structure] (*see for example, Figures 4-6, column 7, lines 22-63, column 8, lines 15-67, the transmitted message received on the aircraft*), to select which one of said electronic units is to receive subsequently transmitted information (*see for example, Figures 4-6, column 7, lines 22-63, column 8, lines 15-67, the transmitted information received by the aircraft units*);

remotely operating a software-controlled switch to remotely configure a communications link with the selected electronic unit, and

wirelessly downloading information transmitted to the [structure] (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and electronic units*), to the selected electronic component, utilizing the remotely configured communications link (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, identify LRU and downloading data*).

Murray does not specifically teach wireless platform, however, Murray teach the aircraft and remotely electronically configuration (*see for example, column 7, lines 22-63*).

In related art dealing with a wireless communications and aircrafts (*see for example, Figure 1-8, paragraph [0001], lines 1-12*), Wright teaches the mobile platform (*see for example, paragraph [0084], lines 11-22*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Wright's mobile platform concept into Murray's wireless downloading to provide a system "without having to physically access a redundant unit on board the aircraft is successfully addressed by means of a wireless ground data link (*Wright, paragraph [0007], lines 2-5*).

Regarding claim 24, Murray t discloses a mobile [platform] comprising:
an apparatus for downloading information to a selected one of a plurality of

electronic units located onboard the mobile [platform] (*see for example, Figures 4-6, column 1, lines 1-6, column 4, lines 33-67, column 7, lines 22-63, column 8, lines 50-56, wireless system (mobile) and data downloading to one for the plurality of units*), the apparatus including: a wireless device configured to receive a message identifying at least one of said electronic devices as a selected electronic device to which information is to be subsequently downloaded to (*see for example, Figures 4-6, column 7, lines 22-63, column 8, lines 15-67, the transmitted message received on the aircraft and to data units to be downloaded*); a subsystem responsive to said wireless device; a remotely controlled software switch responsive to said subsystem for configuring a data path between said wireless device and said selected electronic device to enable downloading of said information subsequently received by said wireless device (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and LRU service link*);, to said selected electronic device, via said data path (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, identify LRU and downloading data*).

Murray does not specifically teach wireless platform, however, Murray teach the aircraft and remotely electronically configuration (*see for example, column 7, lines 22-63*).

In related art dealing with a wireless communications and aircrafts (*see for example, Figure 1-8, paragraph [0001], lines 1-12*), Wright teaches the mobile platform (*see for example, paragraph [0084], lines 11-22*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Wright's mobile platform concept into Murray's wireless downloading to provide a system "without having to physically access a redundant unit on board the aircraft is successfully addressed by means of a wireless ground data link (*Wright, paragraph [0007], lines 2-5*).

Regarding claim 2, Murray in view of Wright discloses all the limitations of claim 1, and further, Wright teaches wherein the mobile platform is an aircraft and the remotely electronically configured communication path is an ARINC 429 communication path (*see for example, paragraph [0084], lines 11-22*).

Regarding claim 3, Murray in view of Wright discloses all the limitations of claim 2, and further, Murray teaches wherein said selectively switching a communication path comprises selectively switching one of a plurality of ARINC 429 communication paths utilizing a software-controlled switch (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 7, lines 22-63, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and ARINC 429*).

Regarding claim 4, Murray in view of Wright discloses all the limitations of claim 1, and further, Wright teaches wherein said transmitting a message wirelessly comprises transmitting the message wirelessly utilizing a wireless spread spectrum communication link (*see for example, paragraph [0009], lines 1-6*).

Regarding claim 5, Murray in view of Wright discloses all the limitations of claim 1, and further, Murray teaches wherein said transmitting a message wirelessly further comprises transmitting an operational program configuration (OPC) file that contains criteria for automated routing (*see for example, column 5, lines 40-64, column 6, lines 37-57, the operational controller (OPC)*).

Regarding claims 6 and 16, Murray in view of Wright discloses all the limitations of claims 1, 11, and further, Murray teaches comprising triggering said wirelessly downloading data upon a triggering condition (*see for example, column 11, lines 14-32, column 13, lines 62-65*).

Regarding claims 7 and 17, Murray in view of Wright discloses all the limitations of claims 6, 16, and further, Murray teaches configured to trigger said wireless download of data upon setting a of parking brake (*see for example, column 7, lines 22-63 and column 8, lines 50-61, column 11, lines 14-32, column 13, lines 62-65, data loading when on ground (park)*).

Regarding claims 8 and 18, Murray in view of Wright discloses all the limitations of claims 1, 16, and further, Murray teaches accumulating records of wireless downloads (*see for example, column 7, lines 22-63 and column 8, lines 40-61*).

Regarding claim 9, Murray in view of Wright discloses all the limitations of claims 1, and further, Murray teaches configuring a header file for the identified LRU to download (*see for example, column 7, lines 22-63 and column 8, lines 40-61*).

Regarding claim 10 and 19, Murray in view of Wright discloses all the limitations of claims 1, 11, and further, Murray wherein said data wirelessly downloaded comprises operational software (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65*).

Regarding claim 12, Murray in view of Wright discloses all the limitations of claim 11, and further, Murray teaches the mobile [platform] is an aircraft and to remotely operate a software-controlled switch to electronically configure a communication path between the identified LRU (*see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column*

10, lines 1-20, column 13, lines 62-65, the software controlled selection and LRU service link) and the mobile [platform] data services link in response to the wirelessly transmitted message identifying the LRU (see for example, column 3, lines 42-45, column 3, lines 30-50, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, identify LRU and downloading data), said apparatus is further configured to remotely electronically select one of a plurality of ARINC 429 communication paths (see for example, column 3, lines 42-45, column 3, lines 30-50, column 7, lines 22-63, column 9, lines 63-67 continued to column 10, lines 1-20, column 13, lines 62-65, the software controlled selection and ARINC 429), and further, Wright teaches the mobile platform (see for example, paragraph [0084], lines 11-22).

Regarding claim 14, Murray in view of Wright discloses all the limitations of claim 11, and further, Wright teaches wherein said apparatus further comprises a wireless spread spectrum transceiver configured to receive said message wirelessly (*see for example, paragraph [0009], lines 1-6*).

Regarding claim 15, Murray in view of Wright discloses all the limitations of claim 11, and further, Murray teaches receive an operational program configuration (OPC) file that contains criteria for automated routing (*see for example, column 5, lines 40-64, column 6, lines 37-57, the operational controller (OPC)*).

Regarding claims 22 and 23, Murray in view of Wright discloses all the limitations of claim 21, and further, Wright wherein said structure comprises a mobile platform and wherein said mobile platform comprises an aircraft (see *for example, paragraph [0084], lines 11-22*).

Conclusion

7. The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

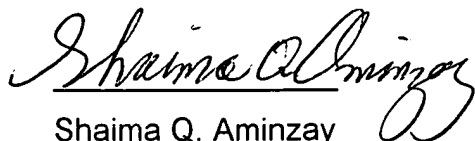
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

EP. 12/26/05



Shaima Q. Aminzay
(Examiner)

Nay A. Maung
(SPE)
Art Unit 2684

December 26, 2005